INVESTIGATIVE REPORT

Investigative Summary

SIGNIFICANT USE OF FORCE
(Takedown-Broken Arm)

UNIT:	Lancaster Station
DATE:	Saturday, October 7, 2006
TIME:	2250 hours
LOCATION:	[redacted] Sierra View Avenue, Lancaster
URN#:	406-22309-1135-145
IAB#:	FO#2182537

On October 8, 2006, the Internal Affairs Bureau Force and Shooting Response Team went to Lancaster Station regarding a significant use of force, broken bone. The team consisted of Sergeant Clay Anderson and Lieutenant Curtis Jensen. At the time investigators arrived, the incident was completely over, one suspect was in custody, and the crime scene was no longer preserved. The involved personnel and the suspect were at Lancaster Station. Steve Connolly, Office of Independent Review, was notified of the incident.

Investigators learned that during a directed use of force - "takedown", ordered by Sergeant [redacted] Deputies [redacted], Shannon Knight, [redacted] and [redacted] were involved in a brief struggle while arresting a suspect (Joseph Arellano). The struggle resulted in the suspect sustaining a broken bone to his right elbow while deputy personnel were attempting forcibly handcuff the suspect after a take-down. All personnel involved in the incident were uniformed, field patrol units.

This investigation is based on information obtained from the involved deputies and witnesses at the scene, along with various IAB interviews and written documentation.

SYNOPSIS:
On October 7, 2006, Department personnel from Lancaster Sheriff's Station responded to a call of a shooting at a large party. The party involved approximately 100 people in attendance, and there were reportedly several gang members and alcohol intoxicated persons present. While deputies investigated the shooting, two assaults (stabbings) also took place in the rear yard of the residence. Given the unfolding events, the handling deputy (Steve Owen, who was not involved in this force incident) requested that additional units respond to assist, while personnel at the location attempted to calm and secure the scene.

IAB Note: For specifics regarding the shooting and assault (stabbing), refer to the first report, SHAD 49 #406-22307-1135-051, which is included in this investigation as **Exhibit F**.

Sergeant [redacted] and Deputies [redacted] Shannon Knight, [redacted] and [redacted] arrived at the location in response to the back-up request and set about detaining partygoers in the back yard, while other additional personnel began clearing the house so that paramedics could safely enter. During this time, all partygoers (detainees) cooperated, except for the intoxicated suspect, Joseph Arellano, who resisted the deputies' attempts to detain him. During an ensuing verbal confrontation, Sergeant [redacted] directed the deputies to take Arellano to the ground. A physical confrontation followed, and Arellano was forced to the ground. As deputies attempted to restrain him, Arellano resisted and kept his arms in tightly beneath his torso as he kicked his legs about. Deputies reported that as they overcame Arellano's resistence with control holds, placing his arms behind his back, they heard a "popping sound" coming from Arellano's body. Arellano suddenly stopped resisting, and Deputy [redacted] handcuffed him without further incident.

Arellano was subsequently examined at Lancaster Community Hospital, where it was determined that he had sustained a broken right elbow during the forcible handcuffing. Hospital staff placed a cast on the Arellano's right arm, and he was released with an "OK to book." He was then transported him to Lancaster Station, where he was booked for Resisting a Peace Officer (148[a][l] P.C.).

IAB Note: For details regarding the arrest of Joseph Arellano, refer to the first report, SHAD 49 #406-22309-1135-145, which is included in this investigation as **Exhibit A**.

INVOLVED PERSONNEL:

[redacted] Lancaster Station Field Operations Region I	Sergeant #[redacted], Unit [redacted]
[redacted] Lancaster Station Field Operations Region I	Deputy #[redacted] Unit [redacted]
Knight, Shannon Lancaster Station Field Operations Region I	Deputy #[redacted] Unit 113 PM Shift
[redacted] Lancaster Station Field Operations Region I	Deputy #[redacted] Unit [redacted]
[redacted] Lancaster Station Field Operations Region I	Deputy #[redacted], Unit [redacted]

EMPLOYEE WORK HISTORY:

Sergeant [redacted]

Date of Employment: [redacted]
Date assigned to Lancaster Station:
Prior Shooting Incident(s):
Prior Founded Force Incidents:



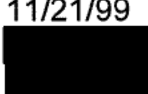
Deputy [redacted]

Date of Employment: [redacted]
Date assigned to Lancaster Station:
Prior Shooting Incident(s):
Prior Founded Force Incidents:



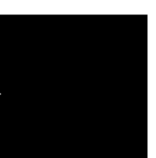
Deputy Shannon Knight

Date of Employment: 09/13/91
Date assigned to Lancaster Station: 11/21/99
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents:



Deputy [redacted]

Date of Employment: [redacted]
Date assigned to Lancaster Station:
Prior Shooting Incident(s):
Prior Founded Force Incidents:



Deputy [redacted]

Date of Employment: [redacted]
Date assigned to Lancaster Station:
Prior Shooting Incident(s):
Prior Founded Force Incidents:



SUSPECT:

Arellano, Joseph: MH/ 06-29-84, 5-07", 230 lbs., black/brown
[redacted]

Booking #235808 C.I.I. [redacted] Main # [redacted] FBI # [redacted]

CRIMINAL HISTORY:

Suspect Joseph Arellano [redacted]

IAB Note: Refer to **Exhibit I** for Suspect Jones' criminal history report.

WITNESSES:

None

> **IAB Note:** After the location was secured and the injured were medically cared for, deputy personnel searched the crowd for witnesses to the use of force. However, their search yielded no witnesses, and deputy personnel reported that many of the partygoers were "uncooperative," stating that they had not seen anything.

INJURIES:

Suspect Joseph Arellano sustained a fracture to a bone in his right elbow. He was transported to Lancaster Community Hospital, where the arm was set in a cast. Arellano was subsequently released from the hospital and medically cleared for booking, "OK to be booked."

> **IAB Note:** Refer to **Exhibit H** for Suspect Arellano's medical documentation.

PHYSICAL EVIDENCE

The physical evidence and statements made by deputy personnel and Suspect Arellano appeared to be consistent with the versions of the event and the injury sustained by Arellano.

INVESTIGATOR'S OBSERVATIONS:

At the time of the Force and Shooting Response Team's arrival, the incident was completely over and the crime scene was no longer preserved.

WEAPONS USED BY DEPUTY PERSONNEL:

None

WEAPONS USED BY SUSPECT(S):

None

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Hess, Victor
Lancaster Station
Court: Lancaster Superior Court
Charges Filed: None. In leu of prosecution, Joseph Arellano's probation was violated.

LIGHTING OR WEATHER CONDITIONS:

The weather was cool and dark at the time of the incident (approximately 2250 hours).

INVOLVED DEPUTY STATEMENTS:

Sergeant [redacted]

On December 10, 2006, at approximately 1945 hours, Sergeant [redacted] was interviewed at Lancaster Sheriff's Station by Internal Affairs' investigator Sergeant Clay Anderson. The following is a summary of the interview, which was audio recorded.

Sergeant [redacted] stated that he drove to the location ([redacted] East Sierra View Avenue) in response to an assistance request by Deputy Steve Owen. He said that upon his arrival, he saw approximately twenty people "hysterically running" about in front of the residence. [redacted] said that he entered the rear yard of the location, where he saw more people who were visibly upset and also"frantically running around." [redacted] stated that several of the partygoers displayed numerous tattoos, which he recognized as gang/prison style tattoos. [redacted] stated that he also observed numerous beer bottles and alcohol containers about the ground in the back yard, and people in crowd had a "heavy smell" of alcohol. [redacted] stated that deputies were in the rear yard were attempting to clear the crowd and aid a male, who was bleeding profusely from his head. He said that as more personnel responded, he ordered the deputies to secure the location and clear an area for responding medical personnel.

[redacted] said that the deputies directed the party goers to exit the back yard and sit on the east side yard, so they could be interviewed and deputy personnel could ascertain who was possibly involved in the shooting and the stabbing assault. As the deputies began to contain the area, [redacted] stated that he saw a male Hispanic (Suspect Arellano) arguing with Deputy [redacted] and attempting to walk "against the flow of the party goers attempting to leave the backyard." [redacted] stated that Suspect Arellano's actions prevented deputy personnel from controlling the scene and delayed them in establishing a path to allow Fire Department personnel access to the stabbing victim. [redacted] said as he watched the interaction between [redacted] and Arellano, he heard [redacted] order Arellano "several times to calm down and to have a seat." [redacted] said that Arellano ignored Deputy [redacted] orders and attempted to push past him. At that time, [redacted] said that [redacted] attempted to gain control of Arellano by grabbing Arellano's arms and attempt to place them behind his back. [redacted] said Arellano began to struggle and attempted to break free of Deputy [redacted] grasp, but Deputy Shannon Knight rushed to [redacted] aid.

Fearing that a fight was imminent, coupled with the possibility that several of the other party goers would join into the fight, [redacted] said that he ordered Deputies [redacted] and Knight to "take [Arellano] to the ground." [redacted] related that he felt that taking Arellano was the quickest and safest option, explaining that he was attempting to avoid a "full brawl" between deputy personnel and the crowd at the location. [redacted] expounded, stating that he felt "OC spay" would contaminate deputy personnel, as well as other party goers, and the use of impact weapons and/or the taser may incite the crowd.

[redacted] said that as he helped maintain control of the surrounding party goers, he saw [redacted] and Knight take Suspect Arellano to the concrete sidewalk by forcing him downward and causing him to lose his balance. He said that [redacted] controlled Suspect Arellano's head and upper torso, while Knight grabbed Arellano's right arm and attempted to place Arellano's right hand behind his back. During the struggle, [redacted] stated that he heard both deputies order Suspect Arellano several times to "stop fighting and place his hands behind his back," but Arellano continued to struggle and refused to comply with the orders.

[redacted] stated that as [redacted] and Knight began to struggle with Arellano, Deputy [redacted] joined in and assisted Deputy Knight in gaining control of Suspect Arellano's arms and handcuffing him. At that point, [redacted] said that he heard Arellano complain that the deputies "hurt his right elbow." He stated that he then directed Deputy [redacted] to detain Suspect Arellano in a patrol car in front of the location. After Arellano's detention, [redacted] said that deputies were able to contain the scene and allow Fire Department personnel access to treat the stabbing victim.

[redacted] stated that after the incident, he was contacted by Deputy [redacted] who reported that during Deputy [redacted] struggle with Suspect Arellano she used force. [redacted] stated that Deputy [redacted] explained that she held Arellano's feet down as he struggled with Deputies [redacted] and Knight. [redacted] related that because his attention was diverted between the struggle and the crowd, he did not see Deputy [redacted] involved in the incident.

Sergeant [redacted] said that he later directed Deputy [redacted] to transport Suspect Arellano to Lancaster Community Hospital for medical treatment. During a subsequent interview, Sergeant [redacted] said that Suspect Arellano stated that he had been overcome by his emotions in the incident, and that he did not listen to the orders given by the deputies. Further, [redacted] stated that Arellano thanked deputies for coming to help his family.

IAB Note: For further information regarding Sergeant [redacted] statements, refer to his Supplemental Report, which is included in this investigation as **Exhibit B**.

Deputy [redacted]

On December 10, 2006, at approximately 2021 hours, Deputy [redacted] was interviewed at Lancaster Sheriff's Station by Internal Affairs' investigator Sergeant Clay Anderson. The following is a summary of the interview, which was audio recorded.

Deputy [redacted] stated that he responded to [redacted] East Sierra View Avenue in regards to a back up request by deputies, who stated that a "drive-by shooting" had just occurred. [redacted] said that when he arrived at the location, there was a "stabbing victim" located in the rear yard, coupled with numerous people about "who had been drinking [alcohol]." [redacted] described the location as "bloody, with a large quantity of [alcoholic beverage] bottles thrown about." Further, Deputy [redacted] related that there were several gang members in attendance at the location.

[redacted] said that in an attempt to secure the location, "de-escalate" the situation, and identify any witnesses and/or suspects, deputy personnel directed approximately 20 people from inside the house and rear patio area to the east side of the location. [redacted] said as they proceeded, the crowd was compliant with their orders until they (the deputies) contacted Joseph Arellano. [redacted] stated that Arellano became agitated and refused to cooperate with his orders to sit down. He said that he approached Arellano and again ordered him to sit down, but Arellano refused and began to raise him arms, swinging them about.

[redacted] stated that at that time, he grasped Arellano's hands in an attempt to secure them; however, Arellano began to struggle. [redacted] stated that he tighten his grip on Arellano, but Arellano continued to argue and ignored his orders to stop and sit down. [redacted] stated that due to the fact that the situation was "highly volatile," (a drive-by shooting had occurred and two stabbing victims were located), and the location was still not secured, he attempted to handcuff Arellano in order to gain control of the situation and remove Arellano from the area before he escalated the incident and caused disorder among the crowd.

[redacted] stated that as he held onto Arellano's hands, he (Arellano) pulled away and began to "turn" on him. [redacted] stated that he was then assisted by Deputy Shannon Knight, who was also assisting with directing people to the east side of the location. As they began to struggle with Arellano, [redacted] stated that Sergeant [redacted] ordered him to "take Suspect Arellano to the ground." [redacted] said he and Deputy Knight forced Arellano to the ground, where they landed on top of him. Once on the ground, [redacted] said Arellano continued to struggle as he flailed about, apparently attempting to stand.

[redacted] said he was able to gain control of Arellano's head, as Deputy Knight struggled to control Arellano's arms and hands. As Deputy Knight eventually managed to control Suspect Arellano's hands, [redacted] said they were assisted by Deputy [redacted] who secured Suspect Arellano into handcuffs without further incident.

[redacted] related that the physical struggle with Arellano lasted approximately 25 seconds. He stated that he believed that the suspect may have sustained his injury as he (Arellano) was on the ground, flailing about, attempting to keep Deputy Knight from handcuffing him. [redacted] stated that based on Suspect Arellano's actions, he arrested Arellano for resisting a peace officer (148(a)(l) P.C.).

IAB Note: For further statements by Deputy [redacted], refer to his first report, SHAD 49: URN #406-22309-1135-145, which is included in this investigation as **Exhibit A**.

Deputy Shannon Knight

On December 8, 2006, at 0704 hours (approximately 8 hours after the incident), Deputy Shannon Knight was interviewed at Lancaster Sheriff's Station by Internal Affairs' investigator Sergeant Clay Anderson. The following is a summary of the interview, which was audio recorded.

Deputy Knight stated that he responded an assistance request at [redacted] Sierra View Avenue, regarding a shooting call. He stated that a large unruly crowd with gang members were at the location, and deputies also located a stabbing victim. When he arrived, Knight said that he saw approximately 40-50 people in the back yard walking in different directions, yelling and screaming. He stated there were numerous beer bottles and cans scattered around the yard, house and street. As he surveilled the scene, Knight stated that he also saw a male sitting in a chair and bleeding from his head, and several people had blood on their clothing, arms and hands.

Knight said that deputy personnel attempted to take control of the situation by ordering the people to exit the rear yard and proceed towards the side of the residence. He stated that the majority of the people complied with their orders, proceeding to the side of the house and then taking a seat, facing the residence. Knight remarked that many of the "party goers" appeared to be under the influence of alcohol.

Knight stated that as he watched the crowd and assisted with the interviews and searching, his attention was suddenly drawn to a Hispanic male (Suspect Arellano), who was yelling that he was not going to sit down. Knight said he looked up and saw Deputy [redacted] standing behind Arellano, holding both of Arellano's arms behind his back and telling him to calm down. Knight said that as Deputy [redacted] ordered Arellano to sit down, Arellano became "very belligerent." He said Arellano began to twist, spinning to his right, apparently attempting to break free from Deputy [redacted] hold of him. Knight said as he approached the two, it appeared that Arellano was becoming combative, and as he attempted to break free from [redacted] grasp, and "threw an elbow back" at Deputy [redacted].
At that time, Knight said that he heard Sergeant [redacted] order that Arellano "be taken down to the ground." As Deputy [redacted] continued to hold Arellano's arms, Knight said that he "[leg] swept" Arellano's right leg and grabbed his right arm, taking him to the ground. He stated that as he, Deputy [redacted] and Arellano were on the ground, Arellano continued to struggle.

Deputy Knight stated that as Arellano continued to resist, Arellano began swinging his right elbow back in an attempt to strike him (Knight) and/or Deputy [redacted] Knight stated that he grabbed Arellano's right arm in a "rear wristlock motion" and attempted to hold it behind his back. As Arellano struggled, Knight stated that he pivoted on his knee, and using his body, forced Arellano's right arm behind his back in a "rear wrist lock motion." He stated that as he placed Arellano's arm towards the middle of his back, he heard a "popping noise" come from either Arellano's shoulder or arm. Knight said Arellano immediately yelled, "You broke my arm," as he suddenly stopped resisting. Knight said Arellano was handcuffed and then escorted to a patrol car in front of the location without further incident.

Knight estimated that the encounter with Arellano lasted for approximately a minute to a minute and a half (60 to 90 seconds). He stated that during the encounter he and Deputy [redacted] made several verbal attempts for Arellano to comply; however, Arellano was "belligerent and assaultive" as he ignored their commands and fought with them. Deputy Knight related that throughout the fight, Arellano "threw" his elbows at him and/or Deputy [redacted]

IAB Note: For further statements by Deputy Knight, refer to his Supplemental Report, SHAD 49: URN #406-22309-1135-145, which is included in this investigation as **Exhibit C**.

Deputy [redacted]

On October 8, 2006, at 0739 hours (approximately 8 ½ hours after the incident), Deputy [redacted] was interviewed at Lancaster Sheriff's Station by Internal Affairs' investigator Sergeant Clay Anderson. The following is a summary of the interview, which was audio recorded.

Deputy [redacted] stated that he responded to [redacted] Sierra View Avenue, Lancaster, in response to an assistance request by Deputy Steve Owen. He related that Deputy Owen had received a "shots fired call," and was now requesting back-up. [redacted] said that when he arrived, there were numerous people in the backyard of the location. He stated that many of the people appeared "excited...angry." He stated that he went to the back patio, where he saw a male Hispanic ([redacted], [redacted], who was bleeding profusely from a wound to his head. [redacted] related that it was a "very confusing situation" as deputy personnel attempted to secure the location and determine "who was who."

[redacted] stated that he went to the east side of the residence to help "de-escalate the situation," and attempt to separate possible suspects, witnesses, and additional victims. After a few minutes, he said that he saw Deputy [redacted] escort a Hispanic male (Joseph Arellano) towards his location. He stated that Arellano appeared visibly upset, as he yelled at Deputy [redacted] and other deputy personnel, repeatedly stating, "I'm the one that called you. Why are you doing this to me?"

Smith stated that as Deputy [redacted] ordered Arellano to "sit down," he approached the two. He related that Arellano appeared to get angry, as he began "flailing his arms" and yelling

at Deputy [redacted]. [redacted] said as Arellano suddenly turned towards Deputy [redacted] Deputy [redacted] turned Arellano back, facing away from him, and grabbed Arellano's arms, restraining him. He then began to walk Arellano northbound away from the crowd. [redacted] said that as they walked Deputy Knight joined them ([redacted] and Arellano), and he walked behind. [redacted] stated that Arellano appeared to become increasingly angry, and began to struggle with Deputy [redacted] in an apparent attempt to break free from his grasp. [redacted] said he then heard someone, presumably Sergeant [redacted], say, "Take him down." At that point, he said he saw Deputies [redacted] and Knight, along with Arellano, fall to the ground. [redacted] remarked that he did not see how the "take down" was accomplished; he only knew the three went to the ground.

As they went down, [redacted] said Arellano fell on his stomach; Deputy [redacted] fell onto Arellano's left shoulder area; and Deputy Knight fell onto Arellano's right shoulder area. [redacted] said that he retrieved his handcuffs and attempted to gain control of Arellano's arm, but Arellano began struggling. He stated that after approximately 10 seconds, Deputy Knight was eventually able to hold Arellano's right arm, as he secured the hand in his handcuffs. He said he and Deputy Knight then grasped Arellano's second hand, and secured it in the handcuffs as well.

[redacted] related that the struggle with Arellano lasted approximately 10 to 15 seconds. He related that once Arellano was secured in handcuffs, he and Deputy [redacted] escorted Arellano to a nearby patrol car and seated him in the backseat without further incident.

IAB Note: For further statements by Deputy [redacted] refer to his Supplemental Report, SHAD 49: URN #406-22309-1135-145, which is included in this investigation as **Exhibit D**.

Deputy [redacted]

On December 8, 2006, at 0804 hours (approximately 9 hours after the incident), Deputy [redacted] was interviewed at Lancaster Sheriff's Station by Internal Affairs' investigator Sergeant Clay Anderson. The following is a summary of the interview, which was audio recorded.

Deputy [redacted] stated that she responded to a shooting call at [redacted] Sierra View Avenue. She said that when she arrived at the location, she went to the east side of the residence where other deputies were directing people out of the backyard and seating them along a wall. [redacted] said as she assisted the other deputies, her attention was drawn to Joseph Arellano, who was arguing with Deputy [redacted] [redacted] described Arellano as "aggressive" and "belligerent," stating that it appeared that "he'd been drinking [alcohol]."

[redacted] stated that Deputy [redacted] ordered Arellano to "sit down," but he refused to comply with [redacted] orders, stating that he was "the one that called." At that point, [redacted] stated that she too ordered Arellano to sit down, but, again, he refused to comply. She stated that as Arellano began to argue with them, Deputy [redacted] "interlocked" his arms with Arellano and attempted to seat him with the other partygoers. [redacted] said a brief struggle

soon ensued, and Deputy [redacted] spun Arellano (now facing away from him) and began escorting him away from the crowd.

[redacted] said that as they walked away, Deputy [redacted] was joined by Deputy [redacted] and Deputy Knight. She said a struggle erupted again, and Arellano, [redacted] Knight, and [redacted] went to the ground. As they were on the ground, [redacted] said she saw Arellano struggling, apparently to attempt to raise to his feet. [redacted] said she sat on Arellano's legs in order to restrain him and prevent him from standing as other deputies handcuffed him.

[redacted] related that during the struggle she heard Arellano yell, "You broke my arm." However, she did not see how the arm was broke.

IAB Note: For further statements by Deputy [redacted] refer to his Supplemental Report, SHAD 49: URN #406-22309-1135-145, which is included in this investigation as **Exhibit E**.

WITNESS STATEMENTS:

None

SUSPECT STATEMENTS:

Joseph Arellano

On October 8, 2006, at approximately 0827 hrs (approximately 9 ½ hours after the incident), Joseph Arellano was interviewed at Lancaster Sheriff's Station. The following is a summary of the interview, which was audio recorded.

Joseph Arellano stated that his family was responsible for the party at the location, relating that it was a celebration for his cousin's birthday and in remembrance of his uncle's recent death. He stated that his responsibility was to check for weapons at the door, explaining there were several gang members in attendance at the party. Arellano stated that the celebration "kinda got out of hand," and he asked one partygoers to leave. Shortly after, Arellano said that he and his [redacted] were involved in a shooting incident (involving a sawed-off shotgun) which occurred in front of the house. He stated that after the incident, he decided to conclude the party; however as he returned to the rear yard, his [redacted] was involved in a fight and he had been stabbed. Arellano said he telephoned the Sheriff's Department and deputy personnel responded.

IAB Note: For specifics regarding the assault, refer to the first report, SHAD 49 #406-22307-1135-051, written by Deputy [redacted] which is included in this investigation as **Exhibit F**.

Arellano stated that as deputies arrived, he attempted to tell them "what was going on." However, he stated that an unidentified deputy instructed him to "sit down." Arellano

stated that he told the deputy that he (the deputy) "didn't know what was going on," but the deputy again told him to "sit down." Arellano said shortly after an argument ensued, and the next thing he knew the deputy had grabbed him. Arellano stated that he pulled away from the deputy's grip, but another deputy (unknown) suddenly grabbed him from behind, twisted his arm, and took him to the ground.

Arellano said he began screaming, instructing the deputies to stop. He stated that as he laid on the ground he told the officers that he was there "to help," relating that he was "the one who called." Arellano stated that he had one deputy "on his head," one deputy with his knees on his back, and another "twisting" his arm. He stated that as he told the officer to stop twisting his arm, fearing that it would break, he extended the twisted arm out and attempted to pull it away, but he suddenly heard his arm "snap." He stated that directly after that, the incident was over and he was handcuffed.

Arellano stated that "there was no resistance," and the incident was a "misunderstanding." He stated that he was not attempting to resist the deputies, relating that he was currently on probation.

IAB Note: [redacted]. Refer to **Exhibit I** for Joseph Arellano's arrest record.

Arellano said that during the course of the evening (three or four hours), he had consumed four or five beers. He related that he did not initially comply with the deputy's orders to "sit down," because he was "emotional" about the shooting and stabbing which had just occurred.